The Cochin Verumpattam Tenants' Permanent Settlement Bill

Mr. V. K. Bhaskara Menon *(Cranganur):* Sir, I would like to bring to your notice that the Government are introducing an identical Bill which has already been drafted. I request your kind permission that this Bill may be taken up along with the Government Bill. If I don't move it today, the notice will lapse. I want to know whether I have to give fresh notice?

Mr. President : You have to give fresh notice.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* Is the Government going to bring the Bill in the next meeting?

Mr. President : Yes. It will be ready at the next session.

Motion for introduction not moved

The Cochin Agriculturists' Bare Subsistence Bill

Mr. K. M. Ibrahim *(Cranganur):* Mr. President, Sir, I beg to move that The Cochin Agriculturists' Bare Subsistence Bill be continued by the Hon'ble House. There is not much of a plea required for this, since the Bill lapsed due to my absence from this State last summer and my absence consequently from this House. And as a matter of precedence, in this Hon'ble House, this can be allowed to be passed without contest, at this stage and objection, if any, can very well be taken at the time of the introduction of the Bill. I request that the Hon'ble House may be pleased to grant me leave to continue the Bill.

Mr. K. S. Panicker *(Ezhuvas-Mukundapuram):* I second it.

Motion put and carried

Mr. K. M. Ibrahim *(Cranganur):* Sir, leave for the introduction of this Bill has already been given by the Hon'ble House and there has been, I hope, sufficient time for the hon'ble members to understand my point of view in this proposed legislation. Just only as a remembrancer, I may be permitted to read the objects and reasons of this Bill.

"It is now nearing a decade since we, in common with the outside world have been suffering from the ills of an unprecedented depression. Ours being predominantly an agricultural country, the depression has wrought greater havoc on our peasant population. The burden of debts of agriculturists increased in proportion to the fall in prices of agricultural commodities and what with the harassment of the creditor and what with the fore-lorn hope of finding means to maintain his family, life for an agriculturist has become a continuing misery. The magnitude of this distress could be gauged from the startling statistics supplied by the Government in the House on the 3rd Dhanu 1107, according to which in about a decade, the number of *pattadars* in a small village of the State namely Azhicode, fell from 457 to 350.

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The seriousness of the situation received further testimony from the Government when so long ago as 2nd March 1934 they admitted 'Owing to the precipitous fall of agricultural prices, debts incurred by the agriculturists, five or more years ago, on the security of their lands, have now been increased by anything up to 300 per cent Vide Proceedings of the Diwan, dated 2nd March 1934, L. 6-3300/09 .' This Honourable House, on its part, evinced its anxiety towards certain ruin the producers of the people's food are threatened with by passing in February 1934, a Resolution reading: "*This Council recommends to the Government to formulate a scheme to scale down the agricultural debts in proportion to the fall in prices.*"

The principle of this Bill is more than justified by the Punjab Alienation of Land Act.

In this connection, Mr. President, I may be allowed just to give an idea of the relevant portion of the Punjab Alienation Act, to which I am making specific reference here. I am referring to section 16 of the Punjab Land Alienation Act of 1900.—"The lands of scheduled agricultural tribes should not be sold (except for realising land revenue) in execution of any decree or order of a civil or revenue court".

Similar legislation is a pretty old feature of the United States of America, France and some other European countries. Even in Egypt, so early as in 1912, the 'five feddan law' was passed, prohibiting the seizure in judicial proceedings of five feddans of land, owned by agriculturists as well as his dwelling house and necessary agricultural stock and implements. Five feddans are equivalent to 5·19 acres. This Bill is so compromising that 3 acres alone come within its scope. The otentialities of similar protective legislation are discussed on Page 424 in the Report of the Royal Commission on Agriculture in India, the present Viceroy of India was the President of the Commission.

A few years ago, the mover of the Debt Conciliation Bill in the Madras Legislative Council made some efforts to incorporate similar provision into the Bill. On that occasion, he was pointing out to the House how some provincial governments in India had enforced similar laws."

I may be permitted to draw the attention of the Hon'ble House to one instance alone, mentioned by the hon'ble member in this connection. It is the Bengal Agriculturists' Relief Act provision. In that legislation, a specific section is enacted by which some lands may be left to the agriculturists for their bare maintenance.

My Bill is only a one-clause Bill. It may be easily brought to the notice of this House.

"Whereas it is expedient that some permanent relief should be accorded to the agriculturists in the State, it is enacted as follows.—

1. (1) This Act may be called the Cochin Agriculturists' Bare Subsistence Act.

(2) It shall come into force at once throughout the whole of Cochin.

2. Notwithstanding anything contained in any law, three acres of land, owned by an agriculturist shall be immune from sale in judicial proceedings.

Explanation.—'Agriculturist' means any person whose main occupation or main source of livelihood is agriculture."

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A margin of this kind is but a very common feature of all home-stead laws with which we have been familiar throughout the various centres of the civilized world. I don't deny the fact that there may be some variations in drafting which can be suggested; such suggestions can be considered in due course when the Bill proceeds to the further stages of its being. I request that the House may be pleased to give its kind consent to this Bill at this stage.

Mr. K. S. Panicker *(Ezhuvas-Mukundapuram):* I beg to second it.

***Mr. M. Sivarama Menon** *(Advocate-General):* Sir, Government oppose this Bill. One central fact sought to be achieved by this Bill is to make three acres of land possessed by an agriculturist immune from attachment or sale by any judicial proceedings in any court. In considering the question as to whether that principle is acceptable to the Government or not, you must have a general idea of the condition of the agriculturists in the State as a whole. Among the large population that inhabits the State, how many can you expect to possess three acres or more of land? In the first place, the Bill makes absolutely no distinction between wet lands and garden lands. In the case of wet lands, an acre will not cost so much as an acre of full-grown garden lands. Though that can be said to be only a technical objection, the point with which I am more concerned is whether, on principle, this Bill can be accepted. That is apart from, and over and above the provision contained in section 52 of the Criminal Procedure Code, under which all agricultural implements, seeds and other things are made not attachable as also the house and the surrounding portion and the lands attached to that for the continued enjoyment thereof and for agricultural purposes. These are exempt from attachment, under section 52. Over and above his house, three acres of land possessed by an agriculturist is also sought to be made immune from attachment. My humble submission is that regard being had to the common experience of agriculturists in the State, it cannot but be said to be a drastic piece of legislation. The sole basis for bringing this Bill is the depression caused by the fall in the price of the agricultural produce. Hon'ble members would certainly have realised that that was a passing phase of the problem and that the prices of the agricultural produce are really coming up. Agriculturists can certainly hope to get good prices for the agricultural products, at any rate, for some more time to come. The question is not whether a person who is entirely unable to pay should be protected or not. For him, there is the insolvency court. The question is whether a person who can afford to pay his debt should also be allowed to keep a

*Speech not corrected by the hon'ble member.

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reserve for himself, three acres of land, without being compelled to pay his debts, to any extent. Section 52 (*b*) says.—"Tools of artisans, and where the judgment-debtor is an agriculturist, his implements of husbandry and such cattle and seed grain as may, in the opinion of the Court, be necessary to enable him to earn his livelihood as such and such portion of agricultural produce or of any class of agricultural produce as may have been declared to be free from liability under the provisions of the next following section shall be immune from attachment." Section (*c*) says.—"Houses and other buildings with the materials and the sites thereof and the land immediately appurtenant thereto and necessary for their enjoyment belonging to an agriculturist and occupied by him." That land, together with the building and the materials thereof and the land with the appurtenances thereto, is also immune from attachment under clause (*c*) of the section.

Mr. K. M. Ibrahim *(Cranganur):* What if the debt is secured?

Mr. M. Sivarama Menon *(Advocate-General):* With regard to secured debts, the question of attachment will never arise. With regard to simple debts, the Civil Procedure Code has already laid it down that you cannot attach the house, implements, the materials thereof, his seeds, and the site on which the building stands, so much of the site as is necessary for the convenient enjoyment for agricultural purposes. These things are entirely exempted from the operation of any process of attachment issued by a Civil Court. My humble submission is, regard being had to the conditions of the agriculturists, there is already sufficient protection for the agriculturist, in order to enable him to earn his livelihood thereof, having a peaceful home, his tools, his cattle and his seeds also. Agriculturist is the tiller of the soil, the food producer of the country, and the law has taken care to protect his interests. Anything beyond that is not justified in the circumstances obtaining in this State.

In the Punjab Alienation Act, there is a provision, it is true, that so much extent of the land of the agriculturist cannot be sold in execution. But circumstances in the Punjab vary. Do we find large desert tracts here which can be possessed by individuals? The State is thickly populated, and fertile tracts are as far as possible being kept by the people. Where there are large zamindary tracts available for occupation, and where there is an abundance of land available for people, each person will be in possession of a large tract of land, for agricultural purposes. Here the position is quite the reverse. A person who owns lands in Cranganur, the Hon'ble Member for Mattancheri, will bear testimony that he himself is getting Rs. 2,500 per acre. In some cases it has gone up to even Rs. 3,000. Three acres of land in the ordinary market in Cranganur,

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Narakkal and other places, at two to three thousand rupees an acre would fetch a value of six thousand rupees. If Rs. 6,000 worth of property is immune from attachment, what will be the indirect result of that? This House has always been resisting any attempt at retrospective legislation. The people who have advanced money to the agriculturists have advanced the money on the faith of the law as it then existed. Now, if there is going to be a striking change in the law, then what will be the fate of those persons who have advanced money on the strength of the position occupied by the agriculturists at the time of advancing the amount? No doubt, sanctity of contract has been interfered with by legislations like the Agriculturists' Relief Act, but there also Government as well as this House have been careful enough to hold the balance between the parties concerned. There shall not be an undue prejudice to the person who advanced money, nor shall there be a serious prejudice to the person who is to repay. It is only by keeping the balance in these matters, that one will be able to maintain the *status quo* of the economic fabric of the State. It is only on that principle that section 52 of the Civil Procedure Code has enacted that such and such things shall be immune from attachment for the purpose of protecting the tiller of the soil and the food producer of the country. He should not be let at large or should not be driven in search of a home, in search of implements or seeds to cultivate the land. With regard to such agriculturists, there is already a concession. This Bill is for the purpose of protecting the agriculturist who is really able to pay his debts. He must have his cattle, his seeds. All these are necessary. What about the agriculturist who owns more than three acres of land, preserving all these lands for him? That is the position. If we only consider the implications of this Bill, I am sure hon'ble members will agree with me in thinking that the conditions in the State do not at present warrant the acceptance of the principle involved in this Bill. Therefore, Government are constrained to oppose this Bill.

Then, with regard to those agriculturists who are entirely unable to pay their debts, there is the concession given to them. He should try to repay the amount subject to the conditions and the terms of the contract, without doing great violence to the enactment, and to the person who advanced the money. Government oppose this Bill because it is too drastic. The principle is one that does not apply to the facts and circumstances existing in this State, so far as agriculturists are concerned. It will seriously interfere with the economic fabric of the State and it will also do violence to those persons who advanced the money, if the legislation were, "no, you shall not get your money, because you are now passing a law that

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three acres of land shall be immune from attachment." Regard being had to all these reasons, I once again bring to the notice of the Hon'ble House that a legislation of this kind is to be treated with very serious consideration. It is not a matter which will affect one or two persons. It will affect the State as a whole, in the sense that a large number of persons will be affected by passing a legislation of this kind. I therefore request that this House may be pleased to support the Government in opposing this Bill.

Mr. M. K. Devassy *(Adur):* Mr. President, Sir, I rise to support this motion. I agree with the main principles contained in the Bill although with regard to the technical difficulties suggested by the Hon'ble Law Member I would safely leave them to the Select Committee.

Mr. President: The hon'ble member should have spoken before the reply of the Government. In fact, I gave ample opportunity to you before, but nobody then stood up. To speak again and raise a debate after the Government reply, I think, is not the proper way to do. You may continue now.

Mr. M. K. Devassy *(Adur):* Sir, I do not for a moment wish to belong to a class of extreme radicals, nor do I think that this Bill has been introduced by Mr. Ibrahim in his usual taste of adhering to extreme radicalism. As a matter of fact a Bill more radical than this was introduced in this House by Mr. Ibrahim and finding that he could not get the support of this House to that extent he has revised the Bill and brought it in this form. Sir, Mr. Ibrahim in the statement of objects and reasons of this Bill has referred to the memorable date of 2nd March 1934 as a day on which the Government were pleased to admit the hardship suffered by the agriculturists on account of the indebtedness and also assured that sufficient steps will be taken by Government to relieve them. Much water has flown under the bridge and many summers have passed. This House has seen several legislations relating to the relief of agriculturists. This House has come across legislations starting from modest beginnings like the Usurious Loans Bill, the Cochin Kuries Bill and finally culminating in the Cochin Agriculturists' Relief Bill. The question is whether any of these Bills passed in this House has succeeded in giving sufficient relief to the agriculturists. How many legislations can this House pass with regard to this matter, I ask. There must be a solution. You must for that cut at the very root of the problem. Until that is done you cannot get the relief. After the passing of the Cochin Agriculturists' Relief Act we find a better legislation introduced in Travancore giving greater relief to the agriculturists. And this House has been

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agitating for the adoption of the Travancore Agriculturists' Bill in this State also. In fact very many demands have been made in this House. Sir, I recollect at this moment a moment made by Dr. P. J. Thomas, one of the eminent economists who has studied the conditions of the agriculturists in these parts saying that agriculturists in these parts are born in debts, they live in debts, and they die in debts, nay I may add, they breath debt and despondency. I may invite the attention of this Hon'ble House to this aspect of the question that we should find out the real kernel of the question and invent remedy. It is, as a matter of fact, as a bold relief to these problems relating to debts that the committee which went into the question of introducing the Punjab Land Alienation Act reported that it will be necessary in the interests of agriculturists both as a permanent solution for the problem of the agriculturists as well as to prevent their falling into heavy indebtedness that such a piece of legislation should be enacted by the Government there. As a matter of fact it has been a salutary principle in this respect that it is giving a security so far as the agriculturists as well as creditors are concerned that they shall not run into debts and finally find themselves in a position when even the Government cannot go to their rescue.

Sir, the Government Advocate was inviting the attention of this House to the retrospective nature of this Bill. According to me, Sir, there is a good deal of difference between the retrospective effect of a Bill which gives such effect to obligations and those with regard to rights. While we find in several legislatures the principle of giving retrospective effect with regard to the rights being adopted, it is seldom that any legislature accepts the principle of imposing an additional obligation. As a matter of fact, the very reason why this Council which has stood on the principle of sanctity of contracts several times in this House and our own Government which has feared the possibility of touching the sanctity of contract for any reason what-so-ever, thought that when the proper time arose it should change its policy or amend its policy in such a way as to tune with the changing circumstances. Sir, it is the radicalism of today that is the conservatism of tomorrow. There was a time when it was thought by all Governments in India that to scale down the debt of a man is a principle which a Government cannot think of. There was a time when we could not possibly imagine that a Legislature like the Madras Legislature will go to the extent of speculating into the legislation the effect of which is the cancellation of debt. What was unthinkable at one time became quite thinkable, normal and just at another time. Therefore, Sir, I think

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the Government is adopting a wrong policy in thinking that the Government should not touch upon the sanctity of contract and that this Bill has the effect of adopting a principle quite against the conventions of legislatures so far as retrospective effect is concerned.

Sir, the very fact that the Cochin Agriculturists' Relief Bill was passed in this House and that in a manner as to give retrospective effect to the rights of the creditors, shows that the arguments advanced by the Advocate-General has no place whatsoever. The Cochin Agriculturists' Relief Act goes to the extent of saying that with regard to certain portion of the debt which the creditor can claim, he should give up that portion, that is giving as much retrospective effect to it as you are now opposing.

The other argument advanced by the Advocate-General is that so far as simple debts are concerned, even in accordance with the provisions of the C. P. C. today, the agriculturist is exempted so far as his house and necessary compound is concerned from attachment. I say that is the very reason why you should adopt this Bill. In the case of a simple debt you could not attach the house and surroundings of the agriculturists while under a secured debt, you can. I say it is either a mistake to enter into a contract in which this party was not aware of the legal implications or it is a matter of showing a distinction without difference so far as the Government is concerned. Suppose I am an agriculturist. I have mortgaged my properties to the extent of Rs. 3,000. My friend Mr. Achyuta Menon might not have mortgaged and he might have got Rs. 6,000. While my friend has got his house and property secure from attachment. I, simply because of the fact that I have executed a mortgage, am prevented from getting the necessary facilities. That is why I say, it is a distinction without a difference in principle. If that were an argument, Sir, any contract has got as much sanctity as any other contract, you cannot touch upon the contract and cannot interfere with it. There is no half way between these two. Either you must say that when circumstances permit, when conditions call for you are prepared to interfere with the sanctity of contract and come to the rescue of the agriculturist so far as reason and circumstances will permit or you can go to the other extreme and say whatever be the circumstances or reasons we cannot interfere with the sanctity of contract. The latter one has been already given up by you and the former one has been accepted. Therefore, the two arguments advanced by the Advocate-General, according to me do not hold water to oppose this Bill.

Sir, I say, that it is impossible in the very nature of things to have a finality with regard to legislations of this sort. The only

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possibility so far as the Government are concerned is to minimise the number of legislations as far as possible. To minimise the number of legislation you will have to minimise the occasions for such legislations. The only way in which it can be done is by prohibiting alienation of a certain proportion of the agriculturists' lands so that the agriculturists will not run into debts and creditors will not advance money to them.

Mr. A. B. Salem *(Mattancheri):* Is that the Alienation Act?

Mr. M. K. Devassy *(Adur):* If my friend could not follow the trend of my argument after so long a time I am very sorry I can't improve my friend. Therefore, the principle adopted by this Bill is a very salutary one. There may be difference of views with regard to the technical sides of this Bill as was pointed out by the Hon'ble Advocate-General himself that it makes no distinction between *parambas* and paddy lands. The proper place for making any changes with regard to those matters is the Select Committee. It would be only proper if this House accepts the main principle of the Bill and to commit to the Select Committee so that it may effect necessary changes.

*__Mr. C. R. Iyyunni__ *(Trichur-South):* Sir, I cannot agree to the principle involved in this Bill, one reason being that this is a Bill which will take away the right of a secured creditor even to the principal that he has advanced. Of course this Council has passed a Bill wherein the interest amount has been cancelled. There is a lot of difference between wiping out of interest and wiping out of principal. Here, so far as the secured creditor is concerned at the time when he advanced the money to the debtor he has always looked forward to the property as security. Otherwise he would not have lent the money. In the case of a simple debtor the case is different. In his case he does not look to the security of the property at all, but only to the respectability of the man, the respectability of the credit at his disposal and such other things. It is only after taking into consideration all these things that a creditor advances money to a simple debtor. It is not on the security of the property alone that he makes the advances. This is a serious distinction that has to be borne in mind.

Then again, under the Civil Procedure Code, if a simple debtor does not pay, his properties may be attached; he may be sent to jail and there are several other reliefs that one can take recourse to. It is on the strength of these things that the money is advanced in the case of a simple debt. But in the case of a secured debt, the creditor always looks to the credit of the property and if the property

*Speech not corrected by the hon'ble member.

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is taken away from him, then what will be the effect? I can perfectly understand if the law is to apply to future cases only. But here it applies to cases where moneys have been advanced before on the security of the property. Already under the C.P.C., in the case of a simple debt, the homestead, the agricultural implements and utensils and such things are made unattachable in the case of an agriculturist. You may go one step further and say such and such a thing should not be attached, because the creditor always looks to the respectability of the person and his business. But, in this matter, certainly it will be very hard for the Council to say that even the property on the security of which he has advanced the money is taken away.

There may be cases where an agriculturist whose main occupation is agriculture owning property in the town over and above his agricultural holdings. In such cases to which set of property should this Bill apply?

Then again, according to the last Census figures, the land which may fall to the lot of one person is calculated to be 0·57 acres. In Punjab where this new Act has come into force we do not know what is the extent of land that can be alloted to each man. The conditions may be entirely different there. Here it is not like that. Ours is only a small area which is thickly populated. Therefore, here 3 acres of land to be snatched away from the grip of the creditor in the case of secured debts would be too hard. So what I beg to submit is that the Bill even does not deserve to be sent to the Select Committe. The point is if in the case of simple debts, the Council passes a Bill prescribing to be immune from attachment besides the house the property adjacent to it, there may be some meaning in it. But with regard to secured debts, it is unthinkable that the Council should pass a measure like that. Under such circumstances, I would request the members of this House to see to the implications of the Bill and consider that it is not a small matter, but a very serious affair which will go to disturb the economic fabric of the State.

Mr. V. J. Mathai *(Planters):* Sir, I rise to support the mover, since we all know what a sincere advocate he is of the agriculturists. I rise to support the principle because it is a salutary one. But it is very difficult to support the Bill as it is, for the two very weighty reasons raised by the Hon'ble Advocate-General.

Firstly, as regards the question of lands. 2 or 3 acres in some places may fetch far higher value than 2 or 3 acres in some other places. I know areas in which an acre is worth only Rs. 20. Even Government are selling lands at 20 rupees an acre. And as the

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Hon'ble Advocate-General stated in some places an acre of land is worth Rs. 3,000.

Secondly, I am against interfering with the debts as they exist at present. That is, I am against giving retrospective effect. This should apply only to future transactions. But since the principle is a very salutory one, I am certainly for seeing that the Bill goes to a Select Committee.

Mr. A. Eachara Menon *(Chittur-Rural):* What is the principle of the Bill ?

Mr. V. J. Mathai *(Planters):* The principle is that the agriculturist should be protected. He is the person who gives you food; th' landlord neither produces nor cultivates, but only eats. The *Karyasthas* are instruments of the landlord for pilfering the produce of the agriculturists.

One Hon'ble Member: And vakils!

Mr. V. J. Mathai *(Planters):* And a vakil is only a parasite of the agriculturists *(Hear, hear)*.

Mr. A. B. Salem *(Mattancheri):* What about politicians?

Mr. V. J. Mathai *(Planters):* Of-course politicians as for that matter are worse parasites on the agriculturisits.

Mr. A. B. Salem *(Mattancheri):* We differ, we differ.

Mr. V. J. Mathai *(Planters):* I am making only a general statement. The principle is this. If the agriculturist is the food producer and that even a man getting an income of Rs. 1,00,000 per mensem is dependent upon the agriculturist for rice and *curry*, and if that is to be so, I say it is a salutary principle that the agriculturist must be protected by putting as many defences as possible to protect him from the nefarious activities of others.

It is a well known fact that in financial matters the agriculturist is like a babe.

Mr. A. B. Salem *(Mattancheri):* Why? Then you are a babe!

Mr. V. J. Mathai *(Planters):* I am not a babe, because I am able to take care of myself. That is why I am not worrying about myself. But generally the agriculturist is a babe. There was a time when in Cochin State people were taking 30 per cent and 40 per cent interest upon money advanced to agriculturists and the lands enjoyed by the agriculturists were passing into the hands of money-lenders most of whom were people from far off places. They were known as Hundi merchants. Government stepped in and by an enactment agriculturists have now been protected. Therefore, the principle has been accepted that the agriculturist is a babe, babe at

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law as well as in financial matters. He is to be protected for the sake of the country as a whole. If you allow him a chance to survive, it will be for the good of the country at large. He is improvident and borrows. Sometimes he borrows Rs. 100 for his daughter's marriage or sometimes he borrows Rs. 100 for some useless expenditure. And then lands pass out of his hands and he is left with nothing for food. For all these reasons the only way to protect the agriculturist is to make him powerless to borrow, and even if somebody gives him money do not allow him to take back the money from the poor agriculturist.

Now I remember section 52 of the Civil Procedure Code. What the Advocate-General has stated does not work in practice. Very many houses of agriculturists are being sold. All these are sold because it is very difficult to define what exactly is the "building" required for the purpose of an agriculturist. Secondly it is rather funny to rely upon section 52 itself. Under section 52 it is the cattle, implements such as sickle, axes, etc., that are exempted from attachment. What is the purpose of protecting implements and cattle without the lands? What are they for unless they have lands to till. Therefore when the Hon'ble Mover says, give him, the agriculturist, sufficient land it will be only thereby implementing the provisions of section 52 of the Cochin Civil Procedure Code. As I said once, I am not prepared to go the whole hog with him. I say there is necessity for directing it into a Select Committee. I cannot support the Bill as it is. I support the principle of the Bill.

Mr. A. V. Moothedan *(Chalakkudi):* Though the Bill is drafted in a crude form, the principle underlying the Bill is acceptable to me, and I wish to speak only on the general principles. As Mr. Mathai has pointed out several homesteads of agriculturists are being attached and sold now. The difficulty is, the term "homestead" has not been properly defined. The courts of law have interpreted the section regarding this very strictly. Therefore that section in the Civil Procedure Code is practically of not much use to the agriculturists. Some legislation is therefore welcome.

Then regarding mortgage transactions. Those who oppose the Bill ask, if a person mortgages a property what is the justification in asking that a part of such lands should not be sold? It is here stated in the Bill that "Notwithstanding anything contained in any law, three acres of land, owned by an agriculturist shall be immune from sale in judicial proceedings." In this section the mover has committed a mistake. He is not, of course, an expert in legal matters. The usual mortgage transactions are usufructuary mortgage and

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lease back. According to the lease, the decree-holder gets possession. Therefore it is not necessary to sell these lands. In such cases, this Bill is of no use. It will have to be suitably amended. With regard to the extent of the land it will be very difficult to practically work this if this "three acres" is fixed in all cases. Because three acres in one place may fetch far high a value than three acres in another locality. It is therefore better that when properties come for sale before the judicial officers, the discretion to fix the necessary acreage for the particular debtor is given to the judicial officers. Let the courts decide how much land does the debtor require in each case and so on. It is very hard to generalise. Suppose a person has got hundred acres of lands in some jungles. There it is not enough if a person is given 3 acres for cultivation. He should be given 10 acres. Therefore it all depends upon the various circumstances of the case. The best way is to leave the matter to the judicial officer who will be selling the property at the court sale. That is the general idea I have got. The details will have to be prepared after very much consideration. But I think the general principle cannot be questioned. What is the fun in making all the agriculturists beggars? Is it not the responsibility and liability of the State to feed them? Therefore give them some land and let them cultivate it. Why allow them to wander about the streets and beg for alms. It is not to the credit of the State to add to the number of beggars already we have. Therefore my request to the Government is, do not support any measure which is intended to increase the number of beggars. The general principle may be accepted. The Bill as drafted will have to be radically amended so that it may work to the benefit of all concerned.

Mr. M. K. Devassy *(Adur):* May I know whether Government have considered this aspect *i.e.*, that the principle is accepted in the Travancore Agriculturists' Relief Act that certain portion of the property will go to the debtor free of all debts?

Mr. M. Sivarama Menon *(Advocate-General) :* I do not find it from the papers available.

Mr. M. K. Devassy *(Adur):* There is a Chapter in that Act providing for the working of this principle and it is being, as a matter of fact, worked out.

The House adjourned for lunch at 1 p.m. and re-assembled at 2-30 p.m. with M. R. Ry. K. Ayyappan Avl., Deputy President, in the Chair

Mr. A. B. Salem *(Mattancheri):* Sir, I am unable to support this proposition. I think it will be hard on the agriculturist himself

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to make any such provision. A poor agriculturist having a few acres of land may be able to get today some little money on security of land from people which, if such a provision comes, he will be unable to get. You will be doing the agriculturist a great disservice if this Government passes such a proposition. Not only that, this is also stated to be a question of equity. A man who has lent some money upon the security of land will find himself in difficulties. Because he will be deprived of the amount which he has lent on the security of land. If he goes to the court he cannot recover the money. He cannot sell the land. Let us now examine what the consequence will be. You see here that only from a judicial sale a man should be protected by exempting three acres of land. Supposing such a man goes after the passing of this legislation and asks for money, then the money-lender will say, "I cannot give the money upon a mortgage, because I will be losing the whole amount. Therefore instead of the mortgage why not sell the land to me. When you give me the money back, you can take back your property." Who knows what he would say when the agriculturist pays him back the money. This is a difficulty which we may have to face.

Mr. A. V. Moothedan *(Chalakkudi):* We shall suitably amend the provision.

Mr. A. B. Salem *(Mattancheri):* I am not against giving relief to the agriculturist. There are various ways by which we can give relief to agriculturists. These are not the only measures. Therefore we must be able enough to table drastic measures by which the agriculturist shall be placed on a safe footing.

Mr. A. V. Moothedan *(Chalakkudi):* Why don't you do it?

Mr. A. B. Salem *(Mattancheri):* That is not the proposition before us. I have told you those measures many a time on the floor of this House and outside. I have printed and circulated those measures in the country in the form of literature. What else can I do?

Mr. A. V. Moothedan *(Chalakkudi):* You introduce a Bill.

Mr. A. B. Salem *(Mattancheri):* When I know that you will support my Bill, I will introduce the Bill. Leave apart that. Let us deal with the proposition that is before us. Judicial sale will not be possible and then what will be the next resort. Every man's property will be sold immediately he borrows the money. And what is that difficulty that will land the agriculturist in? He wishes to borrow on the security of the property and goes to a Hundi merchant, an unconscionable man. Then the Hundi merchant will ask, what is your security? The reply is "my property". How

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much do you want? He will say "Rs. 100". I can't advance money on mortgage. If you want the money why not sell the property to me for Rs. 100 and when you bring back Rs. 100 you can take back your property. Therefore for Rs. 100 he may have to part with his property. Suppose he wants Rs. 100 for his daughter's marriage, or for wife's illness. He will have no other recourse. When he gets back the amount who knows what the Hundi merchant will say. Sometimes he will say "I am sorry, I can't oblige you". Here is the sale deed. I can't part with the property. Therefore the remedy will be worse than the disease. I think it will be a proposition that should not be so lightly thrown into the statute book. At the same time there are methods by which relief can be sought. I can very well understand if, in a country where people are not so thickly populated, where the lands are not very costly, these measures are adopted and a few acres of land belonging to the agriculturists are left inalienable. Here what we have to do is, we have to nationalise the land. The land once held by the community cannot be sold at all. The lands can be only possessed by the people. There are so many methods for doing this.

Mr. K. M. Ibrahim *(Cranganur):* These are the steps for that.

Mr. A. B. Salem *(Mattancheri):* These steps will create a lot of difficulties. In certain countries lands are naturally bought up by the people and they give it to their people for holding it for 99 years or so. No alienation is possible. If you want to alienate your right, you must go to the society and say "I want to alienate my lands". If the society approves, then only alienation would be possible. Therefore divide the land in the country into Agriculturists Co-operative Societies. Let Co-operative Societies possess the lands. Let every agriculturist be made a member of the society. Then there will be no question of debt. These are all methods by which men will be allowed to be free from debt and will be on the road to prosperity. The society will get him all seeds, all manure, all cattle, and the society will be paying all the taxes to the Government and all the gains that will be got will be shared by all. The society would be able to do so many other things. Therefore, I request that the Hon'ble Mover himself would be pleased not to go further with the matter and we shall bring better proposition after consultation. With these few words, I regret very much that in the interests of the agriculturists themselves, I am unable to give my support to this proposition.

മിസ്റ്റർ പുളൂർ അച്യുതമേനോൻ : സർ, ഈ സഭയുടെ മുമ്പാകെയിരിക്കുന്ന ഈ ചെറിയ ബില്ലിനെപ്പറ്റിയുള്ള വാദപ്രതിവാദത്തിൽ പങ്കെടുക്കണമെന്ന് എനിക്കു ഉദ്ദേശമുണ്ടായിരുന്നില്ല. എന്നാൽ ചില ബഹുമാനപ്പെട്ട മെമ്പർമാരുടെ

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പുതിയ രീതികളും കാണുമ്പോൾ അതിനു് ഒരു സമാധാനം പറയാതെ നിവൃത്തിയില്ലാതെ വന്നിരിക്കുന്നതുകൊണ്ടുമാത്രം ഇതിനെപ്പറ്റി രണ്ടു വാക്കു സംസാരിക്കാമെന്നു തീരുമാനിച്ചതാണു്. ഈ നിയമസഭയിൽ ചെയ്യുന്ന പ്രസംഗങ്ങളുടെ ഉപയോഗത്തെപ്പറ്റിയും, ദുരുപയോഗത്തെപ്പറ്റിയും പലപ്പോഴും വാദിക്കാവുള്ള ഒരാളാണു് ഞാനെങ്കിലും, ചില നേരത്തു് ഇവിടെ നടക്കുന്ന പ്രസംഗങ്ങളും കേൾക്കുമ്പോൾ എനിക്കു് വളരെ ആനന്ദം തോന്നാവുണ്ടു്. അതു് എന്റെ സ്നേഹിതൻ മിസ്റ്റർ സേലത്തെപ്പോലെയുള്ള ആളുകൾ പ്രസംഗിക്കുമ്പോഴാണു്. കൊച്ചിരാജ്യത്തെ ജനങ്ങളുടെ പുരോഗമനത്തിനു് പൊതുവെ ബാധിക്കുന്നതായ ചില പ്രമേയങ്ങളും, ബില്ലുകളും ഇവിടെ ആലോചനക്കു വരുമ്പോൾ എന്റെ മാന്യ സ്നേഹിതൻ മിസ്റ്റർ സേലം അതിനൊതിരായി പ്രസംഗിച്ചുകാണാറുണ്ടു്. കൊച്ചിരാജ്യത്തിലെ രാഷ്ട്രീയ പുരോഗമനത്തിനുവേണ്ടി വളരെ കൊല്ലങ്ങൾക്കുമുമ്പു്, രാഷ്ട്രീയമായും, സാമ്പത്തികമായും, അദ്ദേഹം നല്ല നിലയിലിരുന്ന കാലത്തു് പലേ പ്രമേയങ്ങളെപ്പറ്റിയും തീവ്രമായി ആലോചിച്ചിട്ടുണ്ടു്, പ്രസംഗിച്ചിട്ടുണ്ടു്, എഴുതിവെച്ചിട്ടുണ്ടു്, കടലാസ്സുകളിൽ അച്ചടിച്ചു് വിതരണംചെയ്തിട്ടുണ്ടു് എന്നൊക്കെയാണു് അദ്ദേഹം പറയുന്നതു്. ഇങ്ങിനെ അദ്ദേഹം പറയുന്നതു രാജ്യത്തിന്റെ പുരോഗമനത്തിനുവേണ്ടി പലതും പ്രവർത്തിച്ചിട്ടുണ്ടെന്നും, കർഷകലോകത്തിന്റെ ഉറ്റബന്ധുവാണു് താനെന്നു് സ്ഥാപിച്ചിട്ടുണ്ടെന്നും അഭിമാനിച്ചുകൊണ്ടു്, രാജ്യത്തിന്റെ പുരോഗമനത്തിനുവേണ്ടി കൊണ്ടുവരുന്ന എല്ലാ കാര്യങ്ങളെപ്പറ്റിയും അദ്ദേഹം എതിരഭിപ്രായം പറയുന്നതു് അദ്ദേഹത്തെപ്പോലെയുള്ളവർക്കു് യോജിച്ചതല്ല. പക്ഷെ അതേസമയത്തുതന്നെ കൊച്ചിയിലെ ജനങ്ങളെ അദ്ദേഹത്തിനു ഭയമുള്ളതായി അദ്ദേഹത്തിന്റെ പ്രസംഗരീതികൊണ്ടു മനസ്സിലാക്കാം.

ഈ ബില്ലിന്റെ ഉദ്ദേശം കൊച്ചിയിലെ ജനങ്ങൾക്കു രക്ഷ കിട്ടണമെന്നുള്ളതാണു്. ഈ ബിൽ ഇവിടെ പാസ്സായാൽ കൊച്ചിയിലെ കർഷകർ നശിച്ചുപോകും, പട്ടിണിയിലായിപ്പോകും, അവർക്കു് യാതൊന്നും കടം കിട്ടുകയില്ല എന്നൊക്കെയാണു് എന്റെ മാന്യസ്നേഹിതൻ മിസ്റ്റർ സേലത്തിന്റെ വാദം. കർഷകന്മാർക്കു സാമ്പത്തികാധഃപതനം എങ്ങിനെയുണ്ടായി എന്നു ഞാൻ ചോദിക്കുന്നു. കർഷകന്മാർക്കു കടം കിട്ടാത്ത ഒരു കാലം എന്നു വരുന്നുവോ അന്നു അവരുടെ സാമ്പത്തികാധഃപതനം തീർന്നു എന്നു വിശ്വസിക്കുന്ന ഒരാളാണു് ഞാൻ. അവർ എന്തെങ്കിലും ആവശ്യം വരുമ്പോൾ പണം കടം വാങ്ങിക്കുന്നു. മകളുടെ കല്യാണത്തിനും അച്ഛന്റെ അടിയന്തിരത്തിനും പൂജക്കും വേലക്കും പണം കടം വാങ്ങിനട്ടെല്ലൊടിഞ്ഞവരാണു് കൊച്ചി രാജ്യത്തിലെ കർഷകന്മാർ. പണം കിട്ടുന്നതിനുവേണ്ടി അവരുടെ വസ്തു പണയപ്പെടുത്തും. അങ്ങിനെ കിടക്കുവാനിടമില്ലാതെ, കുടിക്കുവാൻ കഞ്ഞിയില്ലാതെ കടത്തിൽ മരിച്ചുപോകും. ആ പണം കൊടുത്തുതീർക്കുവാൻ നിവൃത്തിയില്ലാതെവരുമ്പോൾ വസ്തു കടക്കാർ വിറ്റെടുക്കുന്നു. അതുകൊണ്ടു് ഞാൻ പറയുന്നതു് ഏതു തരത്തിലുള്ള നിയമനിർമ്മാണം ചെയ്താലും ശരി കൊച്ചിയിലെ കൃഷിക്കാർക്കു കടം കിട്ടാൻ നിവൃത്തിയില്ലാത്ത നിയമം ഇവിടെ ഉണ്ടാക്കണമെന്നാണു്. കൊച്ചിയിലെ കർഷകരുടെ നിലയെപ്പറ്റി പഠിക്കുവാൻ സാധിച്ചിട്ടുള്ള ആളുകൾക്കു് അങ്ങിനെയുള്ള അഭിപ്രായമാണുണ്ടാകുന്നതു്. അതുകൊണ്ടു് ഞാൻ മിസ്റ്റർ സേലത്തിനോടു പറയുന്നതു് കർഷകർക്കു് എത്രമാത്രം ബുദ്ധിമുട്ടുവന്നാലും ശരി അവർക്കു് ഇനി മേലിൽ കടം കിട്ടാത്തരത്തിലുള്ള നിയമനിർമ്മാണം ഇവിടെ ചെയ്യണമെന്നാണു്.

പിന്നെ ഇതിൽ പറഞ്ഞിട്ടുള്ള നാ ഏക്കർ എന്നുള്ളതു അര ഏക്കർ എന്നോ മൂന്നു സെന്റ് എന്നോ മാത്രം ആക്കിയാലും തരക്കേടില്ല.

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മിസ്റ്റർ വി. കെ. കുട്ടി: ഇതേവരെ വന്നിട്ടുള്ള കടത്തിനു എന്തുചെയ്യും?

മിസ്റ്റർ പത്തൂർ അച്യുതമേനോൻ: അതിനൊരുപോംവഴി കണ്ടുപിടിക്കുന്നതിൽ തൊഴിലാളി മെമ്പറോടുകൂടി ഞാനും സഹകരിക്കാം.

മിസ്റ്റർ വി. കെ. കുട്ടി: അതിനൊരു പരിഹാരമുണ്ടാക്കണ്ടേ?

മിസ്റ്റർ പത്തൂർ അച്യുതമേനോൻ: സർവ്വരുടേയും സങ്കടത്തിനു പരിഹാരമായിട്ടുള്ള നിയമങ്ങൾ ഇവിടെ കൊണ്ടുവരുവാൻ സാധിക്കും. ഇതിനേക്കാൾ നല്ല നിയമങ്ങൾ എഴുതിവെച്ചിട്ടുണ്ട്, ആലോചിച്ചുവെച്ചിട്ടുണ്ട്, നിങ്ങൾ സഹായിക്കാമെന്നു വാഗ്ദാനം ചെയ്യുകയാണെങ്കിൽ ഇവിടെ കൊണ്ടുവരുമായിരുന്നു; എന്നൊന്നും പറഞ്ഞിട്ടുകാര്യമില്ല. അങ്ങിനെയുണ്ടെങ്കിൽ നിങ്ങൾക്കു കൊണ്ടുവരാമായിരുന്നു. നിങ്ങൾക്കു വാഗ്ദാനം ചെയ്യുവാനുള്ളവരാണൊ ഇവിടെയുള്ള നിയമസഭാ സാമാജികന്മാർ. വലിയ നിലയിലുള്ള നിയമങ്ങളെപ്പറ്റി ഇവിടെ ആലോചനക്കു കൊണ്ടുവരുമ്പോൾ ആലോചിക്കാം. ഇപ്പോൾ ചെറിയ നിലയിലുള്ള ഒരു നിയമം നിങ്ങളുടെ മുമ്പിലിരിക്കുന്നു. അതിനെ നിങ്ങൾ ഇവിടെ പാസ്സാക്കുക.

എന്റെ മാന്യസ്നേഹിതൻ പറഞ്ഞതുപോലെ അഡ്വാക്കേറ്റ് ജനറാൾ എന്നുള്ള നിലയിൽ ഈ ബില്ലിനെ അംഗീകരിക്കുകയില്ലെങ്കിലും ഒരു സുപ്രസിദ്ധ വക്കീലെന്ന നിലയിൽ ഇതു സ്വീകരിക്കേണ്ടതാണെന്ന അഭിപ്രായം തോന്നീട്ടുണ്ട്. ൧൦൦ ക. കടം കൊടുത്താൽ അതു ഈടാണെങ്കിൽ അവന്റെ കൃഷിസ്ഥലം വില്ക്കുവാൻ ഒരു നിയമം; വസ്തുവിനു പണയമില്ലെങ്കിൽ ജപ്തിചെയ്ത് അതു വിറ്റെടുക്കുവാൻ പാടില്ലെന്നു വേറെ ഒരു നിയമം ഇങ്ങിനെ പലവിധത്തിലുള്ള നിയമങ്ങളുണ്ട്. നിയമതത്വത്തിനുതന്നെ വിരോധമായവയാണു് ഇവ. അതുകൊണ്ടു് ഈ കാര്യത്തിൽ ഗുണകരമായ ഒരു നിയമം ഉണ്ടാക്കേണ്ടതു അത്യാവശ്യമാണു്. മിസ്റ്റർ ഇബ്രാഹിം മൂന്നു ഏക്കർ എന്നു പറഞ്ഞിട്ടുള്ളതു് മൂന്നു സെന്റ് എന്നാക്കിയാലും വിരോധമില്ല. ഇതു് നിങ്ങൾ അനുവദിച്ചുകൊടുക്കുക.

*Mr. M. Sivarama Menon *(Advocate-General)*: Sir, I have tried to exhaust all the points against the acceptance of the principle involved in this Bill when I opposed the measure at the very start. But in the course of the discussion in this Hon'ble House, it was pointed out by the Hon'ble Member for Adur that there is a provision in the Travancore Agriculturists' Relief Act analogous to the principle adumbrated in the Bill before the House. It is perfectly true that in the Travancore Debt Relief Act there is a provision to the effect that if the court is to adjudicate and to distribute the assets and liabilities of an agriculturist, then the court shall set apart 1/4 of the property not exceeding a sum of Rs. 3,000, and as far as possible the homestead of the debtor should be set apart to him in such allocation of the assets and liabilities. One fundamental principle that lies at the bottom of the Travancore Debt Relief Act has to be borne in mind in this connection. This Hon'ble House has been taking particular care to ensure to the real Agriculturist

*Speech not corrected by the hon'ble member.

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some relief on account of the fall in prices of agricultural produce, but the very foundation of the Act in Travancore is entirely different. There *michavaram, pattam* and all these things are excluded from the purview of that Act. That means not a single pie of such debts or dues can be cut down. It is only with regard to the other dues that the Act seeks to cut down the amount by several graded scales. The legislation which has been passed by this House is entirely on a different basis. Here it is the real person who has to earn his livelihood and who is in possession of some saleable interest in an agricultural holding that is benefited by our Act. The first thing he has to answer will be the dues to the *jenmi* or to his intermediate landholder. In regard to such dues the Travancore Act does not in any way give any relief to the agriculturist as our Act does. Therefore when the basis of the two Acts are entirely different, to make use of a particular section of that Act for exemption of a few acres of land belonging to the agriculturist from the operation of the provisions relating to the attachment under the Civil Procedure Code cannot hold good. The question must be viewed as a whole. This Hon'ble House has granted sufficient succour to the agriculturist, regard being had to the conditions and circumstances existing in this State by passing various legislations. Nobody can say that everything one wishes to do has been done. But I never for a moment pretend that. But when we have to keep in mind the conflicting interests in this matter we have to draw a dividing line at random somewhere and see that the interests of both the parties are served to a reasonable extent. This Hon'ble House has certainly been attempting at moderate pieces of legislation by way of ensuring that equality in the matter of convenience as well as the interests of the various parties affected. If we are to judge by one principle and one principle alone at this stage, then Government feel that the principle that a certain acreage of land possessed by the agriculturist should be entirely saved from sales in judicial proceedings cannot be accepted in the face of several anomalies that it will lead to and which I have catalogued in my opposition towards this Bill. The amendments effected to the Cochin Insolvency Act to the effect that wherever a debtor is able to pay a dividend of 8 annas in a rupee a maximum amount up to Rs. 3,000 should be set apart for his maintenance should be borne in mind in this connection. Suppose a person possesses lands in a Municipal Town, say in Ernakulam or Mattancheri, as well as certain agricultural lands outside the town. The price of the lands within the municipalities will be very very high. Suppose he is not going to build in these lands, but depends upon his income from lands outside the town. If it is the amendment that three acres of the agriculturist's land should be exempted, which

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is the land in this case to be exempted? Is it the very valuable land within the municipal limits or his agricultural holdings outside the town? Now the answer will be, "you can set right all these defects in the Select Committee". Therefore I did not in my opening opposition, advert to any arguments that may be raised about which it will be said that it can be remedied in the Select Committee. Let us honestly look at the very basis of the Bill and then say whether, after the exhaustion of all the arguments for or against, Government or the hon'ble members can accept this principle or not. The question is not whether, as a matter of fact, three cents or four cents of lands should be exempted. The principle involves an implication of its own. That means there must be a reasonable basis for the grant of exemption, and judging by the ordinary standards you may put the price of three acres of garden lands somewhere near Rs. 6,000 to Rs. 7,000. Can we at this stage go and tell all the people who have advanced the money that they should all lose their money on account of the operation of this Act, if it goes into the statute book? Now we are only upon the proposition as to whether three acres of land should be set apart to an agriculturist as being non-attachable. Suppose the Bill was to the effect that hereafter the alienation of his lands by an agriculturist shall be prohibited, then, entirely different sets of considerations will prevail and the subject will be considered on its own merits. That means there is some guarantee. Suppose there is an Act to the effect that hereafter all alienations effected by agriculturist to the extent of one acre or so be saved. Suppose that is the provision. They will be entirely debarred from effecting private alienations, but even by operation of law nobody will be able to proceed against that property to a particular extent. Then that is a case where with open eyes people can deal with hereafter. But this Bill will violently shake the economic fabric of the State according to the conviction that the Government have been able to gather from the several facts placed before them in connection with this Bill. It is not for want of sympathy with the plight of the agriculturist of the State; it is not because Government are not able to appreciate that the agriculturists are the food producers of the country that we oppose the Bill. How can Government go to the extent of saying to the rest of the world that on account of the fact that you have advanced money to the agriculturists you must all stand to lose? Do you take note of the fact that at times the agriculturists have themselves advanced those amounts? As regards the definition of the term "agriculturist" in the Act, I think, I must pay a compliment to the Member for Cranganur because it is not so wide as the one adopted in the Agriculturists' Relief Act. Here the one condition is, he should be

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a person whose main occupation or main source of livelihood is agriculture. The question is whether any law to the effect that an agriculturist should be debarred from alienating any extent of his land hereafter stands on a different footing and that argument should not be allowed to cloud the issue so far as this Bill is concerned. So far as this Bill is concerned, regard being had to the value of the property existing in the State, and regard also being had to the small acreage available to the 14 lakhs of people in this State, and also in view of the fact that many middle class people would have staked their money on the possessions of agriculturists, if we are to tell at one stretch to all the people that they should all lose what they have advanced, at this stage Government think that it will be a very cruel cut. And therefore Government regret that, in spite of the various arguments raised in support of this Bill by the hon'ble members who have done their duty very well, they are constrained to oppose the motion for reference to the Select Committee.

Deputy President: There is no motion for a reference to the Select Committee. Is there any? The motion before the House is that the Bill be read in Council.

Mr. M. Sivarama Menon *(Advocate-General):* The aspect of referring to the Select Committee has been dealt with by several honourable members. Therefore, I thought that the motion is for referring it to the Select Committee. I oppose the motion for introduction of this Bill at this stage.

മിസ്റ്റർ കെ. എം. ഇബ്രാഹിം: സർ, ബഹുമാനപ്പെട്ട നിയമ മെമ്പറുടെ ശക്തിപൂർവ്വമായ എതിർപ്പ് കേട്ടിട്ടുപോലും ഈ ബില്ലിന്റെ തത്വം അനാവശ്യമാണെന്ന് ആത്മാർത്ഥമായി വിശ്വസിക്കുവാൻ എനിക്കു സാധിച്ചിട്ടില്ല. ഈ ബില്ല് ഇവിടെ അവതരിപ്പിച്ചതുകൊണ്ട് മറ്റൊരു ഫലവും സിദ്ധിച്ചില്ലെങ്കിലും, പഞ്ചാബ് മരുഭൂമിയാണെന്ന ലോകത്തെ പഠിപ്പിക്കുവാൻ ഒരു മാന്യനു അതു അവസരം നല്കിയല്ലോ എന്ന ആശ്വാസമാണ് എനിക്കുള്ളതു്. ഞാൻ മൂലം സഹാറ ഇന്ത്യയിലേക്കു വന്നാൽ അതു ഒരു വലിയ കാര്യമല്ലേ? (ചിരി)

അഞ്ചു പുഴകളുള്ള ഹരിതവനമായ പഞ്ചാബ് മുഴുവൻ തരിശുഭൂമിയാണെന്നു പറഞ്ഞുപോലും ഈ ബില്ലിനെ അഡ്വൊക്കേറ്റ് ജനറാൾ എതിർക്കുകയുണ്ടായി.

മിസ്റ്റർ എം. ശിവരാമമേനോൻ: എന്നു ഞാൻ പറഞ്ഞിട്ടില്ല.

മിസ്റ്റർ കെ. എം. ഇബ്രാഹിം: ബഹുമാനപ്പെട്ട നിയമ മെമ്പർ പറഞ്ഞിട്ടില്ലെങ്കിൽ ഞാൻ ക്ഷമയോടെ അദ്ദേഹത്തോടു മാപ്പുചോദിക്കുന്നു. ഭഷാരിബഞ്ചിൽനിന്നാണ് ആ വാദം പുറപ്പെട്ടതെന്നു ഞാൻ പിശകായി ധരിച്ചതായിരിക്കണം. പഞ്ചാബ് ലോകത്തിൽ ഏറ്റവും ഫലപുഷ്ടിയുള്ള പ്രദേശങ്ങളിൽ ഒന്നാം കിടയിൽ നില്ക്കുന്നു. അവിടത്തെ കൃഷി ഇവിടത്തേതുപോലെ തെങ്ങും, കവുങ്ങും, കശുവിൻമാവുമൊന്നുമല്ല. അവിടെ പ്രധാനപ്പെട്ട കൃഷി വിലയേറിയ ഗോതമ്പാണ്. ഹിന്ദുസ്ഥാനത്തിലെ ഏറ്റവും പ്രസിദ്ധി നേടീട്ട

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ള്ള സമനിലങ്ങളുടെ ചങ്കാണു് പഞ്ചാബ്. പ്രകൃതിയുടെ അനുഗ്രഹത്തിനു അതിരില്ലാത്ത ഒരു സ്ഥലത്തുപോലും കർഷകരുടെ ദ്രോഹത്തു വിറവുപോകരുതെന്നു് നിയമമുണ്ടെങ്കിൽ താരതമ്യേന ശുഷ്കമായ നമ്മുടെ ഭൂമിയിൽ ആ തത്വം നടപ്പില്ലെന്നു വിധിക്കാമോ? ആ തത്വം കുറേക്കൂടി വ്യാപ്തിയിൽ ഇവിടെ പ്രവർത്തിപ്പിക്കയാണു് വേണ്ടതു്. ഈ നിലയിൽ നോക്കിയാൽ എന്റെ ബില്ല എത്രയും പരിമിതമെന്നു ഈ സഭയ്ക്കു ബോദ്ധ്യപ്പെട്ടും.

കാലക്ഷാമംകൊണ്ടും, കടം കൊണ്ടും വിഷമിക്കുന്ന കർഷകന്മാരെ, അവരുടെ ദാരിദ്ര്യത്തിൽനിന്നും, പട്ടിണിയിൽനിന്നും, നിരന്തര ദുരിതത്തിൽനിന്നും രക്ഷിക്കേണമെങ്കിൽ അവരുടെ ജീവസന്ധാരണത്തിനു മതിയായ സ്ഥിരമായ വസ്തു ഉടമയെ സ്ഥാപിക്കുന്ന നിയമം ഉണ്ടാകണമെന്നുള്ളതു് ഇന്നു ലോകത്തിലെ എല്ലാ പരിഷ്കൃതഗവമ്മെണ്ടുകളും സ്വീകരിച്ചിട്ടുള്ള ഒരു നയമാണെന്നു് ഈ നിയമസഭയ്ക്കു നിശ്ചയമുണ്ടെന്നാണു് എന്റെ വിശ്വാസം. അടുത്ത തിരുവിതാംകൂറിൽ നടപ്പിൽവന്ന നിയമത്തിൽപോലും ഒരംശം ഭൂമി കടക്കാരുടെ ആക്രമണത്തിൽ നിന്നും സംരക്ഷിച്ചു നിർത്തുന്ന ഒരു വകുപ്പുണ്ടെന്നു് ബഹുമാനപ്പെട്ട അഡ്വർ മെമ്പർ പ്രസ്താവിച്ചതിനെ ഗവമ്മെണ്ടിൽനിന്നു് എതിർത്തു പറഞ്ഞിട്ടില്ല. അതുകൊണ്ടു് ബഹുമാനപ്പെട്ട നിയമസഭയോടു് ഞാൻ പറയുന്നതു് ഉണ്ടിതമായ ഒരു വസ്തു ഉടമ കർഷകർക്കു കൊടുത്തു അവരെ രക്ഷിക്കുന്നതിനു തയ്യാറാകണമെന്നാണു്. ഇല്ലാത്തവർ വല്ലിച്ചാൽ നാട്ടിൽ അസ്വസ്ഥത കൂടും. ഈ തത്വം നിയമസഭ അംഗീകരിക്കുന്നുവെന്നു മാത്രമേ ബിൽ ഈ ഘട്ടത്തിൽ സ്വീകരിക്കുന്നതുകൊണ്ടു വരികയുള്ള. ഈ ബില്ലിലുള്ള ഏക്കറേജിനെപ്പറ്റി വല്ല ആക്ഷേപവുമുണ്ടെങ്കിൽ അതു് സിലക്ട് കമ്മിറ്റിയിൽ വെച്ചു് ഭേദഗതി വരുത്താവുന്ന ചില്ലറക്കാര്യം മാത്രമാണല്ലൊ. പിന്നെ ഒരു വാദം ഇവിടെ പറഞ്ഞുകേട്ടതു് മുമ്മൂന്നു ഏക്കർ സ്ഥലം കൊച്ചി രാജ്യം മുഴുവനും ഇവിടെയുള്ള ജനങ്ങൾക്കായി ഭാഗിച്ചാൽ ഓരോരുത്തക്കും കിട്ടുകയില്ലെന്നുള്ളതാണു്. ഈ കണക്കു ശരിയാണെന്നു വന്നതുകൊണ്ടു് പെരുതരം ഭൂമിയുടമസ്ഥന്മാർ പലിശവ്യാപാരികളിൽ ലയിക്കുന്നതിനു ന്യായം കിട്ടിക്കഴിഞ്ഞോ? ഈ ബിൽ പാസ്സായാൽ അഞ്ചും ആറും ആയിരം രൂപ വിലവരുന്ന തെങ്ങുംതോട്ടങ്ങൾ നിയമത്തിന്റെ പരിധിയിൽ വരുമെന്ന കണ്ണുകടിയെക്കുറിച്ചു വ്യസനിക്കുകയല്ലാതെ മറ്റൊന്നു ചെയ്യട്ടെ. ഈ നിസ്സാരധനമെങ്കിലും ഇല്ലാതെ പ്രായേണ ഒരു ഡസനിലധികം അംഗങ്ങളുണ്ടാകാവുള്ള ഒരു കർഷകകുടുംബം എങ്ങിനെ മുതുവിനോടു മല്ലിടും? മുപ്പതു ആയിരവും ഏക്കർ സ്ഥലങ്ങളും കൈവശമുള്ള ഉത്തമർണ്ണന്മാർക്കു് സ്വല്പം ദോഷം വരുമെങ്കിലും രാജ്യത്തിന്റെ പൊതുവായ ക്ഷേമത്തിനു ആപേക്ഷ്യം എന്തു് എന്നാണു് ഈദൃശ നിയമനിർമ്മാണങ്ങളിൽ നാം ചിന്തിക്കേണ്ടതു്. പത്തു കൊല്ലംകൊണ്ടു മുപ്പട്ടയദാരന്മാർ ഒരു ചെറിയ വില്ലേജിൽ ഹോമിക്കപ്പെടുന്നതായ ദാരുണമായ കണക്കു ഗവമ്മെണ്ടിനു മേലിലെങ്കിലും പറയാതിരിക്കണമെങ്കിൽ ഈ ബില്ലിനെ സ്വീകരിക്കുക. സ്ഥാപിത താല്പര്യക്കാരുടെ മാത്രമാണൊ ഈ രാജ്യം? ഇവിടത്തെ കർഷകർ ദാരിദ്ര്യത്തിൽ ജനിച്ചു്, ദാരിദ്ര്യത്തിൽ വളർന്നു്, ദാരിദ്ര്യത്തിൽ മരിച്ചുകൊണ്ടിരിക്കുന്നതു നാം കാണുന്നില്ലേ? അങ്ങിനെയുള്ള കർഷകന്മാർക്കു് എന്തെങ്കിലും ഒരു സ്ഥായിയായ ആശ്വാസം കിട്ടണമെങ്കിൽ ഇങ്ങിനെയുള്ള നിയമനിർമ്മാണത്തിനു് അനുകൂലിക്കേണ്ടതു് ഏതൊരു പരിഷ്കൃതഗവമ്മെണ്ടിന്റേയും ഒഴിച്ചുകൂടാൻ പാടില്ലാത്ത ഒരു കർത്തവ്യമാണു്. അതുകൊണ്ടു് ഈ ബില്ലിന്റെ തത്വത്തെ സ്വീകരിക്കുവാൻ ബഹുമാനപ്പെട്ട നിയമസഭയ്ക്കു് യാതൊരു വിരോധവുമില്ലെന്നാണു് എന്റെ ബലമായ അഭിപ്രായം. കർഷകന്മാർക്കു എന്തെങ്കിലും സ്ഥിരമായ രക്ഷയുണ്ടാകണമെന്നു് ആത്മാർത്ഥമായി ആഗ്രഹിക്കുന്ന ഏതൊ.

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രാളും ഈ ബില്ലിന്റെ തത്വത്തോട് യോജിക്കാതിരിക്കയില്ല. ഇതിൽ എന്തെങ്കിലും രചനാസംബന്ധമായ തെറ്റുകളുണ്ടെങ്കിൽ അതു് സിലക്ട് കമ്മിറ്റിയിൽ വെച്ചു് മാറ്റാവുന്നതാണു്. തല്ക്കാലം ബിൽ ഈ ഘട്ടത്തിൽ സഭ സ്വീകരിക്കണമെന്നു് ഞാൻ അപേക്ഷിച്ചുകൊള്ളുന്നു.

Deputy President: I think the Government had an idea to give some sort of protection to the debtors by leaving some portion of a person's property unattachable by amending the insolvency law or something like that.

Mr. M. Sivarama Menon *(Advocate-General):* Yes. That has been passed by this House and accepted by the Government. Already that Act has been brought into force.

Mr. A. V. Moothedan *(Chalakkudi):* That amendment is useless.

Mr. K. M. Ibrahim *(Cranganur):* That becomes useful, only if one becomes insolvent.

Mr. M. Sivarama Menon *(Advocate-General):* That is a different point altogether.

The motion that the Bill be read in Council was put and lost, 14 voting for and 19 against

RESOLUTIONS

Resolution No. 26—*(cont.)*

Revision of Tenancy Legislation

Mr. A. V. Moothedan *(Chalakkudi):* Sir, the motion before the House is: "*This Council recommends to the Government that early legislation may be taken up for revising the Tenancy Act with a view to make it more equitable to the tenants*". Mr. Mathai emphasises upon one point, that is, regarding the inequity in the matter of renewal fees. I have got three points to stress. One is regarding the apportionment of value, in case a *kanam* land is acquired by Government. According to the present law as laid down in 12 Cochin, when a *kanam* land is acquired, the apportionment is made as follows.—

Suppose the whole price of a land is Rs. 1,000 and the *kanam* amount is Rs. 200. Then two hundred rupees is given to the tenant. Suppose the tenant's share of the value of the improvement is Rs. 300, that also goes to the tenant. Therefore he gets some Rs. 500. Then twenty-five times the capitalized value of *michavaram* goes to the *jenmi*. If the *michavaram* is Rs. 10, it may come to 250 rupees. Then there will be a balance of Rs. 250. That is divided equally in the ratio of 1 : 1. What I submit to the House is that that law

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